

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TWIN LAKES PLAZA, LLC,

Plaintiff,

v.

EAGLE WEST INSURANCE COMPANY,

Defendant.

No.: 2:22-cv-01048-BJR

STIPULATED MOTION AND ORDER TO  
CONTINUE TRIAL AND AMEND CASE  
SCHEDULE

**I. JOINT MOTION**

Pursuant to LCR 16(b)(6), Plaintiff Twin Lakes Plaza, LLC (“Twin Lakes”) and Defendant Eagle West Insurance Company (“Eagle West”) jointly request that the Court continue the trial date from November 6, 2023, to March 11, 2024, and amend the case schedule in a manner consistent with the trial continuance as proposed herein. Twin Lakes and Eagle West (collectively, the “Parties”) submit that there is good cause for this continuance based on the circumstances and the need for the Parties to have sufficient time to prepare and present their claims and defenses in this case.

**II. DISCUSSION**

The discovery deadline is currently set for June 9, 2023, pursuant to the Parties’ Stipulated Motion and Order to Extend Certain Discovery and Trial Related Deadlines. Dkt.

19. The Parties have diligently worked to complete discovery by the amended deadline. However, due to circumstances beyond the Parties' control, it will not be possible to do so. First, Daniel Bentson, who has been lead counsel for Eagle West since the commencement of this action, is leaving Bullivant Houser Bailey on May 1, 2023. Accordingly, Eagle West has new counsel, Joseph Hampton and Danielle McKenzie, effective April 25, 2023, who were not previously involved in this matter. In light of the recent change of counsel, Eagle West would be substantially prejudiced if this Court required the Parties to meet the deadlines set forth in the current case scheduling order. Second, counsel for Twin Lakes recently contracted COVID-19, which necessitated canceling a party deposition noted for May 3, 2023, and postponing the completion of discovery.

Due to the aforementioned circumstances the Parties cannot meet the current May 10, 2023 expert report deadline, the June 9, 2023 discovery deadline, the July 10, 2023 dispositive motion deadline, and prepare this case for trial by November 6, 2023. Accordingly, the Parties request that the Court reset the trial for March 11, 2024, and issue a new case scheduling order with deadlines corresponding to the new trial date.

In accordance with the requested 126-day continuance of the trial, the Parties stipulate to the following extension of the remaining case deadlines:

Event	Current Deadline	New Deadline
Reports from expert witnesses under FRCP 26(a)(2) due	May 10, 2023	September 13, 2023
Discovery completed by	June 9, 2023	October 13, 2023
All dispositive motions must be filed by	July 10, 2023	November 13, 2023
All motions <i>in limine</i> must be filed by	October 2, 2023	February 5, 2024
Joint Pretrial Statement	October 10, 2023	February 13, 2024
Pretrial conference at 10:30 a.m.	October 23, 2023	February 26, 2024

Jury Trial Date	November 6, 2023	March 11, 2024
Length of Jury Trial	5-7 days	5-7 days

### III. CONCLUSION

The Parties do not seek this continuance due to any desire to delay or lack of diligence in pursuing discovery. Rather, the Parties believe that there is good cause for continuing the trial date and amending the case schedule under the circumstances, described herein, to allow for sufficient time to complete discovery, prepare and present dispositive motions, and prepare for trial, if necessary. Accordingly, the Parties are requesting that the trial be continued to the earliest date that their counsel are available for trial, which is March 11, 2024.

For the foregoing reasons, the Parties respectfully and jointly request that this Court continue the trial date and extend the remaining pre-trial deadlines set forth in Dkt. 11 and Dkt. 19 as proposed herein, pursuant to Federal Rule of Civil Procedure 6(b) and LCR 16(b)(6).

DATED: May 1, 2023

BULLIVANT HOUSER BAILEY PC

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4875-0830-8064.1

**ORDER**

Pursuant to the joint motion of the Parties, and for good cause shown, the deadlines in Dkt. 11, Order Setting Trial Date and Related Dates, and Dkt. 19, Stipulated Motion and Order to Extend Certain Discovery and Trial Related Deadlines, are amended as set forth in the table below.

Reports from expert witnesses under FRCP 26(a)(2) due	September 13, 2023
Discovery completed by	October 13, 2023
All dispositive motions must be filed by	November 13, 2023
All motions <i>in limine</i> must be filed by	February 5, 2024
Joint Pretrial Statement	February 13, 2024
Pretrial conference at 10:30 a.m.	February 26, 2024
Jury Trial Date	March 11, 2024
Length of Jury Trial	5-7 days

IT IS SO ORDERED this 1st day of May 2023.



BARBARA J. ROTHSTEIN  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on May 1, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF e-filing system which will send notification of such filing to the persons listed below:

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via hand delivery.  
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*Attorneys for Plaintiffs*

Dated: May 1, 2023.

/s/ Sally Gannett  
Sally Gannett, Legal Assistant